

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kazmierczak, et al.

Appl. No. : 10/663,381

Filed : September 15, 2003

For : SHOULDER SLING

Examiner : Shumaya B. Ali

Group Art Unit : 3743



CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

September 22, 2006

(Date)

Scott Loras Murray, Reg. No. 53,360

DECLARATION UNDER 37 C.F.R. § 1.131 PROVING PRIOR INVENTION IN THE UNITED STATES TO OVERCOME CITED PATENT

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

We, Andy Kazmierczak, Stephen J. Snyder, Eric McCarty, Colin S. Gregersen, Nancy Halchuk and Alfredo Cesena, do hereby declare that:

1. We are joint inventors of the subject matter in the present patent application, which was filed on September 15, 2003.

2. We are advised that Claims 1-4, 8 and 15-17 of the present application were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,932,781 to Itoi. We are further advised that Claims 5, 6, 9, 18-21 and 23-25 of the present application were rejected under 35 U.S.C. § 103(a) as being obvious over Itoi in combination with other references.

3. We are advised that the effective filing date of Itoi is July 11, 2003.

4. The factual information described below shows that our invention as defined by the above-referenced claims was completed prior to July 11, 2003.

5. Exhibit A includes four photographs of a working prototype of the invention as claimed. The four photographs were taken on or before June 4, 2003. The prototype depicted in these photographs was based upon work of the undersigned inventors completed prior to June 4, 2003.

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6. The foregoing evidence shows that we had made an actual reduction to practice of the claimed invention at least as early as June 4, 2003, which is prior to the effective filing date of Itoi, July 11, 2003.

7. The work that led to the invention claimed in the present application was performed in the United States and Mexico, a NAFTA country.

8. We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

Dated: August 29, 2006

By: 
Andy Kazmierczak

Dated: _____

By: _____
Stephen J. Snyder

Dated: _____

By: _____
Eric McCarty

Dated: _____

By: _____
Colin S. Gregersen

Dated: _____

By: _____
Nancy Halchuk

Dated: _____

By: _____
Alfredo Cesena

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082206

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Dated: August 29, 2006

Dated: Sept 6, 2006

Dated: _____

Dated: _____

Dated: _____

Dated: _____

By: 
Andy Kozmierczak

By: 
Stephen J. Snyder

By: _____
Eric McCarty

By: _____
Colin S. Gregersen

By: _____
Nancy Halchuk

By: _____
Alfredo Cesena

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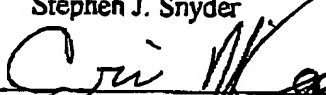
Dated: August 29, 2006

By: 
Andy Kazmierczak

Dated: _____

By: _____
Stephen J. Snyder

Dated: Sept. 11, 2006

By: 
Eric McCarty

Dated: _____

By: _____
Colin S. Gregersen

Dated: _____

By: _____
Nancy Halchuk

Dated: _____

By: _____
Alfredo Cesena

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Dated: August 29, 2006

By: 
Andy Kazmierczak

Dated: _____

By: _____
Stephen J. Snyder

Dated: _____

By: _____
Eric McCarty

Dated: 9/6/06

By: 
Colin S. Gregersen

Dated: _____

By: _____
Nancy Halchuk

Dated: _____

By: _____
Alfredo Cesena

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Dated: August 29, 2006

By: 
Andy Kazmierczak

Dated: _____

By: _____
Stephen J. Snyder

Dated: _____

By: _____
Eric McCarty

Dated: _____

By: _____
Colin S. Gregersen

Dated: September 10, 2006

By: 
Nancy Halchuk

Dated: _____

By: _____
Alfredo Cesena

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Dated: August 29, 2006

By: 
Andy Kazmierczak

Dated: _____

By: _____
Stephen J. Snyder

Dated: _____

By: _____
Eric McCarty

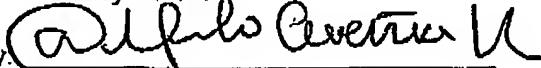
Dated: _____

By: _____
Colin S. Gregersen

Dated: _____

By: _____
Nancy Halchuk

Dated: Sept. 06, 2006

By: 
Alfredo Cesena

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082206

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